

ORDINANCE 2007-06

AN ORDINANCE, amending Wenatchee City Code provisions 5.28.090 and 5.28.230 as it pertains to enforcement of animals and penalties.

WHEREAS, the Washington State Apple Blossom Festival requests authority to prohibit the presence of animals at Memorial Park during the Apple Blossom Festival.

WHEREAS, the City Council finds that Memorial Park is heavily congested with visitors of all ages during the Apple Blossom Festival. The City Council further finds that the dogs have the potential to harm the visitors. The City Council further finds that the dog owners do not clean up after the dogs and feces are found on the grounds of Memorial Park. The City Council further finds that, based on the above, the health and safety of visitors to the Apple Blossom Festival is at risk.

WHEREAS, the City Council finds that this Ordinance should take effect immediately consistent with RCW 35A.11.090 to preserve the public peace, health, and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I

Wenatchee City Code 5.28.090 is hereby amended to read as follows:

5.28.090 Offenses relating to control.

It is unlawful for owner to:

- (1) Permit any domestic animal except cats that have been spayed or neutered, or birds, to be at large; provided that pets may be removed from the premises of the owner if restrained by a leash that is eight feet or shorter and if in the physical control of a responsible person;
- (2) Permit any dog to enter any public fountain or school ground;

- (3) Fail to confine any dog that is in heat in a secure enclosure so that the female dog cannot come in contact with a male unless the male is admitted by the owner of the female;
- (4) Permit any animal to:
 - (a) Damage public property or the private property of another, or
 - (b) Habitually bark, whine, or howl or to spread or spill garbage;
- (5) Permit any animal to trespass upon the property of another;
- (6) Have in his or her possession any animal not owned by him or her without the knowledge of the owner unless he or she notifies the director of such possession within 24 hours or to fail to surrender such animal to the director upon demand;
- (7) Tether an animal in such a manner as to permit the animal to enter any sidewalk, street, alley or a place open to the public or to enter any adjacent lot or premises unless authorized by the occupant of the adjacent premises;
- (8) Allow his/her dog into Memorial Park during the Apple Blossom festival when the Director of the Department of Parks and Recreation and/or the Chief of Police for the Wenatchee Police Department, approves the Apple Blossom Festival to use Memorial Park and authorizes the sponsor of said event to ban dogs from Memorial Park during said festival when it is determined that the presence of dogs would create an undue risk to the health or safety of persons attending the Apple Blossom Festival.
 - (a) Whenever dogs have been banned from Memorial Park during the Apple Blossom Festival, no person having custody of a dog may cause or allow the dog to be in Memorial Park. This section does not apply to:
 - i. Guide or service dogs; or
 - ii. Dogs being used by a public officer in the performance of official duties.
 - (b) The designated area for prohibiting dogs at Memorial Park during the Apple Blossom Festival shall be defined as that area being within the following boundaries: King Street (North), Chelan Avenue (East), Orondo Avenue (South), and Washington Street (West).

- (c) The public shall be put on notice of the ban on dogs within Memorial Park during the Apple Blossom Festival by signage posted on the perimeter of the park in conspicuous locations.

SECTION II

Wenatchee City Code 5.28.230 is hereby amended to read as follows:

5.28.230 Penalties.

Failure to comply with any provision of this chapter shall subject the violator to a civil infraction and shall have the following base penalty listed, not including statutory assessments:

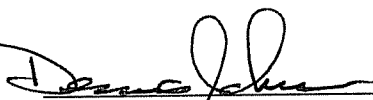
- (1) No dog license, first offense \$30.00, second offense and subsequent offenses within 12 months each \$50.00;
- (2) No kennel license \$50.00;
- (3) Failure to confine biting animal, first offense \$50.00, each additional offense \$200.00;
- (4) Refusal or failure to produce rabid animal \$500.00;
- (5) Dogs running at large, first offense \$30.00, second offense \$50.00, each subsequent offense \$100.00;
- (6) Keeping a vicious animal, first offense \$50.00, second offense \$100.00;
- (7) Dog's prohibited acts, first offense \$30.00, second offense \$50.00, each subsequent offense \$100.00;
- (8) Failure to contain a female dog in heat, first offense \$50.00, each offense thereafter \$100.00;
- (9) Interference with an animal control officer \$100.00;
- (10) The failure to respond to a notice of humane infraction shall be punishable as a misdemeanor;
- (11) Custody of dogs in Memorial Park in violation of a ban during the Apple Blossom Festival, first offense \$50.00, each subsequent offense \$100.00;
- (12) Any violation not described above shall be \$100.00 for the first violation and \$200.00 for each subsequent violation of the same provision.

EFFECTIVE DATE

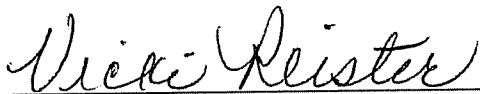
This Ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 12th day of April, 2007.

CITY OF WENATCHEE, a Municipal
Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
VICKI REISTER, City Clerk

APPROVED:

By: _____
STEVE D. SMITH, City Attorney